



THE ATTORNEY GENERAL OF TEXAS

PRICE DANIEL
ATTORNEY GENERAL

AUSTIN, TEXAS

November 21, 1949

Hon. Tom A. Craven
County Auditor
McLennan County
Waco, Texas

Opinion No. V-948.

Re: The legality of raising the compensation of county officials under S.B. No. 92, 51st Legislature, without giving a like raise to the Criminal District Attorney.

Dear Sir:

You request an opinion concerning the legality of raising the compensation of county officials (including members of the Commissioners' Court) under Senate Bill No. 92, 51st Legislature, without giving a like raise to the Criminal District Attorney.

Senate Bill 92 was passed May 31, 1949, and became effective June 6, 1949. Under its provisions, the Commissioners' Court of each county was compelled to raise the salary of county officers in like proportion before a raise could be granted the members of the Commissioners' Court. A. G. Opinion No. V-864. However, House Bill 339, applicable to McLennan County, was passed subsequent to Senate Bill 92 (June 16, 1949) and set the salary of the Criminal District Attorney at \$6500.00, payable in twelve equal installments. A. G. Opinion No. V-893.

Since House Bill 339 is a specific statute covering the salary of the Criminal District Attorney, it would control over the provisions of Senate Bill 92. Townsend v. Terrell, 118 Tex. 463, 16 S.W.2d 1063 (1929); Canales v. Laughlin, 147 Tex. 169, 214 S.W.2d 451 (1948). It is therefore our opinion that the provisions of Senate Bill 92 are not applicable to the salary of the Criminal District Attorney in McLennan County.

SUMMARY

House Bill 339, Acts of the 51st Legislature, was passed after Senate Bill 92, Acts of the 51st Legislature, set the salary of the Criminal District Attorney in certain

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counties at \$6500.00. It is a specific statute covering the salary of the Criminal District Attorney, and controls over the general provisions of Senate Bill 92. Townsend v. Terrell, 118 Tex. 463, 16 S.W.2d 1063 (1929); Canales v. Laughlin, 147 Tex. 169, 214 S.W.2d 451 (1948).

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By *James E. Ferguson*
James E. Ferguson
Assistant

JEF:mw:bh

APPROVED

Price Daniel
ATTORNEY GENERAL